

Milo
ERROR OF POSITION:

BEING

A Discussion

OF THE

**ULTRA MEDICAL POLICY OF THE AMERICAN MEDICAL
ASSOCIATION,**

AS ADVOCATED BY

Medical Professors, Medicus and Others;

SHOWING THE POLICY TO BE

ADVERSE TO THE GREAT INTERESTS AND INSTITUTIONS OF SOCIETY,

AND THE

PEACE AND PROSPERITY OF THE NATION.

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"Every other Republic has fallen by the discord and treachery of its own citizens."
Judge Story.

"Those physicians have generally become the most eminent who have soonest emancipated themselves from the *tyranny* of the schools of physic."—*Dr. Rush.*

"Under God, we are determined, that, wheresoever, whensoever, or howsoever, we shall be called to make our exit, we will die freemen."—*Josiah Quincy, Jun.*

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INTRODUCTION.

THE tales of fiction are often strange, but the facts of history are, sometimes, even more strange than fiction. Suppose a part of the medical men of the Union, say one-eighth, more or less, choose to call themselves by the name of the AMERICAN MEDICAL ASSOCIATION, and claim the *right* to *decide*, not only for *themselves*, but also for *others*, what *shall* be done, and what shall *not*, and they decide that those who *disobey their orders* shall be denounced as "INFAMOUS," without regard to their greatness or goodness, the authority by which they have been governed, or the character which they have acquired by observing the laws of God and their country.

The *will* of the Association is made known, and their orders given in what is called their *Code of Ethics*, which contains their *by-laws, rules and regulations*, which must be obeyed by all who would have their fellowship; for all must come to *their* measure, and be measured by it, and stand or fall accordingly, without regard to *other* standards of character, or their claims to respect, or the protection offered.

The advocates of this code and its policy, we call the ULTRA MEDICAL PARTY, and their *course* the ULTRA MEDICAL POLICY, because they go for *extreme measures*, which are advocated by only a small portion of the medical men in the different States of the Union, although the name they have adopted is imposing and comprehensive enough to embrace *all*.

The law of our country gives some scope to personal liberty, in the exercise of *personal discretion* and *choice*, in matters not specified, involving individual, domestic and social relations, in which it is expected that we shall be governed by

a sense of duty and obligation, resulting from the relations we sustain, together with the intelligence and sympathies of our nature, and our sense of justice. We may barter away a portion of this liberty, by social compact, if we choose; but for a party to enter this scope of territory and take it from us by force, is a high-handed measure. And, more especially, is it a high-handed measure, for a party, a *medical faction*, to require us to go contrary to our constitution, government and laws. But, behold! if we do not join this party, and go with them, against the policy of our government and the rights of her citizens, it is decided that we are *not* "*honorable men*," and *seven-eighths* of the medical men in the United States are involved in the charge, because they have not been governed by the principles laid down by the *ultra* party. Such is the decision of Medicus, and others. He is speaking of these principles when he says: "We discover certain plain, obvious truths, which always will govern all honorable men engaged in this profession. These principles of reciprocal intercourse were reduced to form and rendered authoritative by the American Medical Association, and were published to the world under the name and title of a *Code of Medical Ethics*." Such is the position taken by Medicus. He discovers the principles of the *ultra* medical policy to be "*plain and obvious truths*," which always will govern all "*HONORABLE MEN*;" and yet not one-tenth part of the Doctors have been governed by them. This fact is known to Medicus, and others, and for them to decide, that all who do not conform to their views are not honorable men, and thus involve in the charge of *dishonor* SEVEN OUT OF EIGHT of all the Doctors in the United States, is a matter which is not in good taste. The conduct is not as *modest* as that of the boy who turned his own shirt over his head to hide his face; but which appears to the best advantage we will not say.

The unfavorable views which we have expressed of the *despotism* of the *ultra medical policy* are not confined to a *few*, or limited to any section of the Union. They are common sense views; and in that region where the great struggle for American Independence was first made, a writer says: "No one point is more universally denied by the American people than

the *exclusive right* of one set of men to judge and control any thing." Speaking of Medicus, he says: "On his principle, all but *Catholicism* is quackery in religion, all but *despotism* is quackery in politics, and all but the ruling of some one Medical College (I don't know which,) is quackery in medicine. These doctrines would have been deemed sound in the dark ages, and even now in the despot-ridden countries of Europe, but they are not the sentiments of these times, or this people. It is one of the strongest peculiarities of the American people, that they assume to themselves the right of thinking for themselves, and judging for themselves of all subjects, and then themselves taking the responsibility of their decision.

Does Medicus suppose that in medical matters alone the self-constituted association are to have an exclusive control, which is accorded to no other department of life? He misapprehends the spirit of the times, and of his countrymen.

These doctrines of Medicus are not new; they are old — aye, they are now reigning in full sway in the priest-ridden, down-trodden countries — Italy, France, Germany, Prussia, Norway, Sweden and Russia — where both the priesthood and the medical profession are maintained by the law of the land; — no, by the law of the rulers of the land. There, any medicine not adopted by the profession is prohibited by law, as any religious opinions not adopted by the priesthood, are outlawed and forbidden. These principles which Medicus preaches to us are not new; they have been tried, and their fruits are known; when once rooted they are of rank growth. But they are not wanted here; they cannot live in this soil; the breath of the American Eagle withers them. It is a fundamental principle of a free people to *hear all sides, decide for themselves*, and abide the consequences of their decision."

It is certain, that in a republican government, tyrannical or despotic measures are out of place, and, with republicans, out of character. Such measures are contrary to the *genius* and *spirit* of our government, which took its character from the venerable patriots who were willing to risk *every thing* for rational Liberty and Independence, for themselves and their posterity. And when men of education and talents, in different States of the Union, join to foster, advocate and establish

such measures, their operations demand the attention of all good citizens who would preserve the *rights* and *liberties* bequeathed us by our noble ancestors, and which were purchased by their blood and treasure. "I cannot conceive that there is a heart so callous, or an understanding so depraved, as to attend to a discourse of this nature and not to feel the force of it. Both liberty and property are precarious, unless the possessors have sense and spirit enough to defend them." Departed patriots, though dead, "still speak," and admonish us. Says one: "Let me exhort and conjure you, never to suffer an invasion of your political constitution, however minute the instance may appear, to pass by without the most determined and persevering resistance. One precedent creates another. They soon accumulate and constitute law. What yesterday was fact, to-day is doctrine. Examples are supposed to justify the most dangerous measures; and where they do not suit exactly, the defect is supplied by analogy. Be assured, that the laws which protect our civil rights grow out of the constitution, and they must fall or flourish with it. This is not the cause of faction, or of party, or of any individual, but *the common interest of every man in the nation.*"

The doctrine, that it is the *right* and *privilege* of the Association to give any orders they please, and when they please, and our duty to obey, is too strong for a lady's stomach, or even for a gentleman's, if he is a REPUBLICAN, and especially one of the old style of Seventy-six. It cannot be *digested*, so as to promote the health of the economy, and, for our own part, we cannot even *swallow* it; but we see some who are trying to do it, and the Association are trying to force the operation, by the use of means like those employed by the anaconda and other powerful serpents, which take their game with a sort of a twist, in the exercise of a force something like a powerful hug, and then slobber it extensively to make the hair lay down and slip easy. But, with all the force and all the slobbering, we would just as soon try to swallow a common iron-tooth harrow.

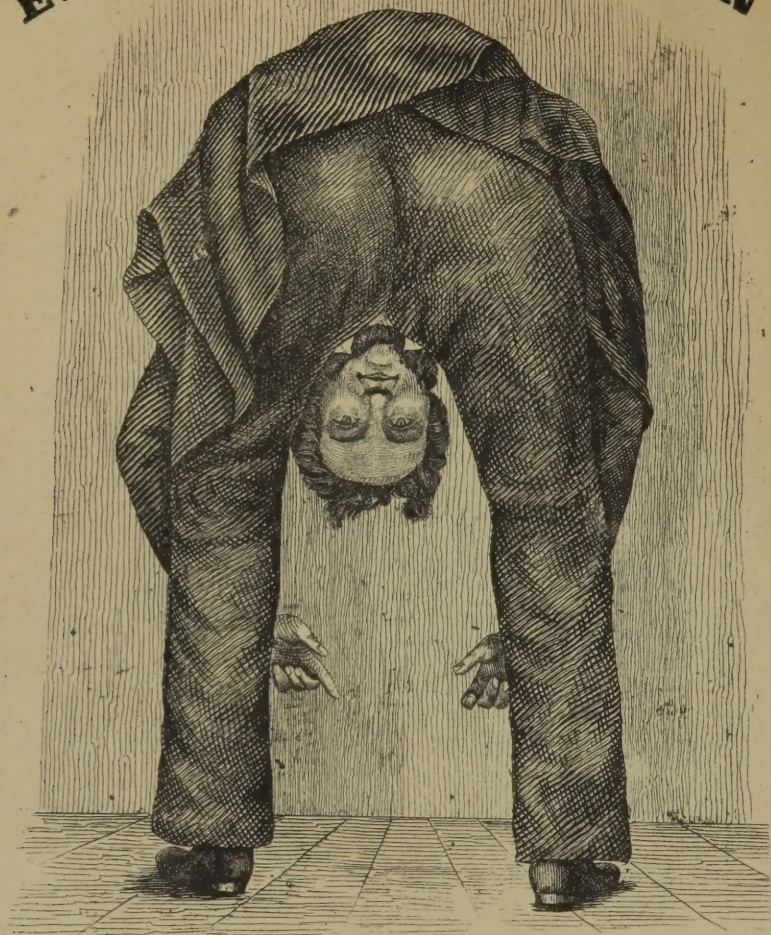
In a variety of other matters, we are called upon to engage in the amusement of those "who strain at a gnat and swallow a camel"; but the absurdity of the operation makes us

hesitate. As an instance of this kind, we have seldom, if ever, known a greater absurdity, or an error of position more manifest, or one involving a more entire abandonment of the established laws of evidence, than the effort to pass a *palpable misrepresentation* as deserving more confidence and worthy of more respect than the *candid* and *truthful* statement of such men as the editors of the Boston Medical and Surgical Journal, of the Ohio Medical Journal, of the Charleston Medical Journal and Review, and the New Jersey Medical Reporter. But, when it is shown, most conclusively, as it will be in a future number, that the editors are fully supported in their statements, by a multitude of other witnesses, of a high order, this circumstance will show the *greater* absurdity of the effort to their discredit, and make it difficult to find its *parallel*, unless we find it in the conduct of Paracelsus. That such an absurdity as the one above mentioned, should be perpetrated by a man of sense, is a matter of wonder and surprise; and these feelings, with us, have been mingled with regret, because the gentleman involved in the matter has often charmed us with his eloquence, and feasted us upon his intellectual treasures. If great men are not always wise, according to the proverb, it is strange they should be so unwise, as to force, even upon their friends, the disagreeable duty of resisting their invasion of great and important principles, which involve all that is sacred, and all that is dear, this side of heaven. But, it is even possible, perhaps, for great men to put themselves to the extreme limits of the pale of that charity which "suffers long, and is kind; which envieth not, vaunteth not itself, is not puffed up, doth not behave itself unseemly, seeketh not her own, is not easily provoked, thinketh no evil, rejoiceth not in iniquity, but rejoiceth in the truth." Nothing is more *imperiously demanded* than this heavenly charity, in the medical fraternity, at the present time; and it may well allure us to its embrace by its noble origin, its real excellence, its exalted destiny, and its glorious reward. Its birthright is an inheritance of which we cannot be deprived by the fall of nations; for it "is incorruptible, undefiled, and fadeth not away." We are assured that the charity which never faileth, will rise triumphant above the ruins of kingdoms, and the conflagration

of a world, and, basking in the light of truth, be favored with a halo of unearthly splendor, which will still be visible, even in that high EMPYREAN where

"One tide of glory, one unclouded blaze,
O'erflows the court."

ERROR OF POSITION



NORTH AMERICAN REARVIEW

ERROR OF POSITION.

GREAT men can always amuse us, in one way or another. Occasionally, they seem determined to put themselves in a position in which they cannot see things in a proper light, and which forces upon *us* an unfavorable view of *themselves*. Still, the position may be new and interesting, like a man with his head thrown down between his legs, and his face out behind, with all that part of him which should have been *superior*, forced down below the *center of gravity*. Now, in such a case, the intellect, senses and passions are not disturbed by the blood *rising* to the head, but it *settles* there; and his eyesight is affected, and he sees things double and in false colors, and there is a ringing of strange sounds in his ears, and his feelings are all unnatural; and if his olfactories are disturbed, it would not be strange, and the offensive odors might not be chargeable to any one but himself.

ERROR OF POSITION is one great characteristic of medical discussion at the present day. It stands out *boldly* and *prominently*, and *demand*s attention, from its *novelty* and *interest*. The great characteristic of the ULTRA MEDICAL POLICY is *error of position*, and two of its prominent features are *novelty* and *interest*.

The *importance* of a discussion does not always depend upon what *occasioned* it, but upon the *positions assumed*, the principles involved, the nature, power and extent of their operations, on individual character, peace, comfort and happiness, and upon the *great interests* and institutions of society. Many times,

"The very silliest things in life,
Create the most material strife."

"The world is, in this respect, in modern as it was in ancient times." Dr. Comstock says: "Mr. Hume observes, what can be imagined more trivial than the difference between one color of livery and another in horse-races? Yet this difference begat two most inveterate factions in the Greek empire—the PRASINA and VENETI—who never suspended their animosities till they ruined that unhappy government." "Behold," says the apostle, "how great a matter a little fire kindleth."

The *communication of error* is a breach made in the fortifications of truth. It is like the letting out of waters when a break is made in a levee, which widens and deepens, and destruction follows. It is more easily checked in its beginnings; for by indulgence it acquires increased velocity and power, like a millstone rolling down a steep place, which becomes more and more rapid and dangerous in its course.

Error of position is a frequent cause of disaster, to individuals, to societies, and to nations. A position may be *impolitic only*; or it may also be unreasonable, unjust, improper, ridiculous, and involve serious difficulties; or only a part of these features may be distinctly prominent. As an unnatural position of the body affects all the senses, so a wrong position in a discussion often has a most unfavorable effect upon all the views, feelings and arguments of the person concerned. It often occasions the "*green eye of jealousy*," or the "*jaundiced eye*" of prejudice and spleen; and, in such a case, matters will not be seen in their proper colors, and error of feeling and error of conduct is a natural consequence. It is just what might be expected from error of position.

In the reign of DARIUS, a question was sprung which shook the whole empire, and greatly troubled the king. It was this: How persons in whom no fault was found could be *convicted* and condemned? The object was an infamous one, and required a wicked policy, unfavorable to the king and his subjects; but *their* interests were not consulted. The question was urged because great men had set their hearts upon it, and their envy, prejudice and spleen stimulated their perseverance and increased their ardor in pursuit of their object. The advocates of this measure claimed to be distinguished from oth-

ers as the *honorable*, the *noble*, the *liberal* class. But, in order for them to succeed, a course must be taken contrary to the established principles which protected the rights of the subject. A new decree must be passed. The plot must be well contrived, and the object kept secret from the king, in order to have the deception carry. The subject was required to violate his *sense of duty*, or be thrown into the den of lions. They professed great loyalty for the king, and they said, "King Darius, live forever!" They told him that they had "consulted together to establish a royal statute, and make a firm decree, that whosoever should ask a petition of any god or man for thirty days, save of him, should be cast into the den of lions." And they said, "O king, establish the decree and sign the writing, that it be not changed, according to the law of the Medes and Persians, which altereth not. Wherefore King Darius signed the writings and the decree." These counselors, so distinguished for being *honorable* men, had been careful to conceal from the king their special object, which was to remove DANIEL, who stood highest in the favor of his sovereign, on account of his usefulness and worth, and whose character was so fortified by truth, integrity and merit, that no fault could be found in him. His enemies had decided that he would do his duty at the risk of his life, and that by getting a decree that required him to *leave the path of his duty*, they would catch him; and, sure enough, they did; for he still "kneeled three times a day, and prayed and gave thanks before his God, as he had done aforetime." Then his accusers appeared before the king, and said, "That Daniel, which is of the captivity of the children of Judah, regardeth not thee, O king, nor the decree that thou hast signed, but maketh his petition three times a day. Then the king, when he heard these words, was sore displeased with himself; and set his heart on Daniel to deliver him; and he labored till the going down of the sun to deliver him." But, as the decree could not be changed, Daniel was cast into the lion's den. But He who gave the lion and the lamb their different natures, can alter them when he pleases; and, in this case, their dispositions were made to *harmonize*, and *innocence* and *ferocity* were such *boon com-*

panions as to remind us of that day of glorious promise, when

“ The lambs with wolves shall graze the verdant mead,
And boys in flowery bands the tiger lead ;
The steer and lion at one crib shall meet,
And harmless serpents lick the pilgrim's feet ;
The smiling infant in his hands shall take
The crested basilisk and speckled snake,
Pleased, the green lustre of the scales survey,
And with the forky tongue shall innocently play.”

The condition in which the king and his subject were placed by the evil counselors, as well as that of the counselors themselves, was strongly marked with ERROR OF POSITION, which must have been attended with no small amount of uncomfortable feelings : and the accusers of Daniel had their share ; for they were cast into the den of lions, and the lions had the mastery of them, and brake all their bones in pieces.

“ All human nature, to its latest breath,
Finds *envy* never conquered but by death.”

DANIEL, DARIUS and the nobles are dead ; but *envy*, *malice* and *prejudice* in some bosoms still live and flourish, and spleen often finds a place where it should not.

“ In noble minds, some dregs remain,
Not yet purged off, of spleen and sour disdain.”

At different times, since the days of Darius, men have exerted their ingenuity in devising ways and means to *convict the innocent*, and to bring the honest, the upright and the unoffending, to condemnation. They have concerted various schemes, and contrived instruments of torture for those whom they disliked. When old laws will not convict, new ones must be passed for the purpose. When persons are protected by established principles, contrary to the wish of others, those principles must be disregarded or violated. If a man is determined on doing his duty, the chance of catching him is so much the better ; for if you only require him to take a *different course*, he is caught. We have a striking specimen of this kind of policy in *medical matters* at the present day. *Medical faction* has constructed a *medical platform*, which is like the bedstead of Procrustes, to which a man must be made to conform by force : if he is too short, he must be *stretched*, and if he

is too long, he must be *cut off*. This medical platform is called the CODE OF ETHICS, and we often call it a *ceremonial law*. A distinguished medical professor says: "It is to the profession of medicine what a hell is to the ignorant, an instrument of punishment for those we dislike —

" ——— A hangman's whip
To haud the wretch in order."

while we seldom dream it is intended for us." — (*Nash. Med. Jour.*, p. 269 — 1853.)

And he says, "the most intelligent people regard the whole system of medical ethics as a species of legerdemain, of which the very founders are as ignorant as themselves, and it remains yet to be seen if they have not come to a just conclusion regarding it. The code records among other obligations of patients that they should never weary their physicians with a tedious detail of events or matters not pertaining to their disease. This," says he, "is like telling a herd of buffalo, in their stampedes, they should keep so far from each other as to give a poor devil in their line of travel at least a chance to escape with his life." — (*Ib.*, p. 267.)

He tells us, that "a deplorable ignorance every where seems to exist among professional men upon the subject of their constitutional compact." He also speaks of "the innumerable impositions and miseries to which the junior members of the profession are subjected by the rigors of a law, unfaithfully administered by self-constituted judges, who presume upon the ignorance of rights and immunities known to exist, to erect a tyranny." — (*Ib.*, p. 265.)

Speaking of the inconsistent conduct of a doctor, who was a member of the American Medical Association, which framed the code, the same professor says: "What is this but a tyrannical attempt to tether the young ones and weak ones on short grass, that the old and strong ones may luxuriate on rich but forbidden herbage? Let us whisper to the weak and young, join no society where the code *only* is the law. It is a log-chain to you, while but a cobweb to the strong." — (*Ib.*, p. 379.)

Exactly so. What else is it? And what better could be expected? It has the appearance of being intended for such

a purpose. It has always reminded us of a practice of tethering horses which is adopted in Iceland. They tie the head of one horse to the tail of another, and his head to the tail of the one behind, so that when they move they may move in a circle, and not stray. But if this custom fails to come up to the design of the code, in this direction, there is a well known practice mentioned by the Apostle James, which, perhaps, may do better. "Behold!" says he, "we put bits in the horses' mouths that they may obey us, and we turn about their whole body."

But people are not generally aware of the new order of things which has been decided on by some, who *claim the liberty of deciding for themselves*, and also for OTHERS, *on all matters in relation to medicine*. As this *right of decision* is claimed as an *exclusive privilege*, they give no intimations of charity for those who may differ from their peculiar views. Such are denounced as unfit for honorable or respectable society. If a doctor manufactures, sells or prescribes a secret remedy, even if it is only some kind of vermifuge, for so doing, he is branded with quackery. If he holds a patent for some internal remedy, or for some instrument to be used in some way, to improve the condition of the human system, it is decided that he ought to be called a quack, and be considered unfit for fellowship in the new order of things; and so, also, if he promises cures, or boasts of cures or remedies, he is considered one with whom no *honorable* physician can consult.

When such matters are represented as *grave offences* against the majesty of the American Medical Association, for which a man is to be considered as "*infamous*," we are reminded of the Blue Laws of Connecticut, which "prohibited smoking tobacco within two miles of any inhabited dwelling house."

It frequently happens that an individual is reproached, not because he really deserves blame — for it is often the case, that in moral character, intelligence, skill and success in practice, he is superior to those who reproach him — but it results from the fact, that a set of strange notions have been at work in the heads of his accusers, as a kind of small insects do in the heads of children, and others have to suffer and scratch in consequence.

Some inform us that they love the ultra medical policy because it is progressive ; but, unfortunately for society, its progress in matters of practical utility is too well expressed by the poet, when he says :

“ Prone, like the craw-fish, in the dirty dance,
Downward to climb and backward to advance.”

The improved condition of society which it promises, is likely to be too much like the improved *harmony in music* which results from a cat fight,

“ Which charms with sweet sounds the dulcet ear of night.”

Thus, a small portion of the doctors in different parts of the Union, have decided upon a course which is opposed to the previous practice of most of them, and in opposition to the practice of *seven-eighths* of the physicians of the United States. In applying the term *ultra* to the *party* embracing this small portion of the fraternity, and to their *policy*, we use it in its common acceptance, because they advocate *extreme measures*. A man must embrace their views or be branded as *infamous* ; and no grade of qualifications or goodness of character, or both combined, can save him from the penalty which this *self-constituted authority* have annexed to the violation of their laws.

We certainly have no design to do injustice to this party by misrepresenting their policy ; and as one source of proof that we are not doing so, we will here introduce a quotation from one of the commentators of the law which they have adopted, who is the champion of the ultra medical policy. He says : “ The vices to be shunned under the code as infamous are :

“ 1st. A resort to public advertisement or private cards or handbills inviting the attention of persons afflicted with particular diseases.

“ 2d. Offering medicine or advice to the poor gratis.

“ 3d. Promising radical cures. To boast of cures, or to publish cures in newspapers.

“ 4th, To invite unprofessional people to witness surgical operations. To produce certificates of success and such like acts. Equally dishonorable is it held by the code :

“ 5th. To hold a patent for a surgical instrument.

“6th. To give a secret nostrum, whether the composition be the prescriber’s secret or the secret of another.

“Clergymen who give their whole time to the ministry, and do not give certificates to nostrum venders, should be attended without fee.

“If one pretending to be a physician be guilty of any of the following practices, no honorable physician can consult with him:

“1st. If he advertise himself in an unbecoming boasting manner; or call the attention of the public to his skill in any particular disease or class of diseases.

“2d. If he advertise himself as a disciple of any particular class, party or ‘school.’

“3d. If he place on his ‘sign’ any prefix save Doctor, or any affix.

“4th. If he acknowledge he belongs to any of the Pathy family, either Allopathy, Homœopathy, Hydropathy, Rangunrootpathy, Indianpathy, Negropathy, Germanpathy, or Hobgoblinpathy, or any of the family hereafter to be born and baptized.

“5th. If he, while not guilty of any breach of the code, is a bad citizen and a bad man, no gentleman, because he himself is by accident a physician, is under any obligation to associate with him professionally, although there is nothing in the *letter* of the law to forbid it.

“6th. If he makes, vends or prescribes a secret nostrum, his own or another’s.

“7th. If he gives a certificate attesting the efficacy of patent or secret remedies.” — (*Nash. Med. Journal*, 1853, pp. 270, 271.)

Such are some of the features given by Prof. Bowling, of the Code of Ethics, which was got up by a party of medical men, who had met and resolved themselves into a deliberative body, which they chose to call by the name of the AMERICAN MEDICAL ASSOCIATION, and which they have decided is entitled to the *respect*, the *love*, the *confidence*, and the *obedience* of all the medical men in the United States. This association claims *supreme jurisdiction*, and, of course, they decide not only for *themselves* but for *others also*, in all matters which they may con-

descend to take into consideration. They do not acknowledge that their jurisdiction should be limited by the *law* or the gospel, by the *genius* of our government, or its *civil polity*, but, without much regard for either, they engage freely in the work of defamation just when it suits their humor.

As to our knowledge of the code, we have to depend, principally, upon commentators, because we do not know how many changes it has undergone since the first issue in '47; and, besides, when the progress of a body is, downward to *climb* and backward to *advance*, we never know where to look for it, except down stream, or upon some wrong road, as a matter of course. It is really amusing to see the interest which some manifest in advocating the code. They feel as much interest for the *code* as others do for the *Inquisition*, and for the same reasons — because it is an *instrument of punishment* for those whom they dislike.

The favors shown, by some of the advocates of the code, to their own faults and those of their party, while they condemn the same in others, inclines us to think their course might be well illustrated by a method which the ancients adopted, to represent the difference in the conduct of mankind, in regard to their *own faults* and those of their *neighbor*. This representation consisted in the figure of a man, with a wallet thrown over his shoulder in the *fore end* of which he put the faults of his *neighbor*, that he might always have them *before* him; but his *own faults* he put in the end *behind his back*, that he might not see them at all.

One of the most interesting and prominent features of the Code of Ethics is the POCKET HOLD which the *Doctors* take upon the *Preachers*. They say: "Clergymen who give their whole time to the ministry, and do not give certificates to nostrum venders, should be attended on without fee." And they denounce the act as an infamous vice to "give a certificate attesting the efficacy of patent or secret medicines."

Now, when we require persons *not* to do certain acts, we require them to *restrain* and *subdue* the feelings which lead to such acts. And what *are* the feelings which have led preachers and others to give certificates in favor of different remedies? If there is any truth in them, they have been led to do

so from feelings of *gratitude*, a *sense of obligation* and a *conviction of duty*. Now, according to the history of the human family, there is hardly any sentiment in which mankind so generally agree with divine revelation as in this — that we ought to be *thankful* for favors and *free* to acknowledge them. This sentiment of *gratitude*, so congenial to the dictates of sound reason, justice and propriety, is the very principle which has led preachers and others, according to their own statements, to give certificates in favor of different remedies. They were *benefitted*, and *acknowledged* it, as an act of justice, from a feeling of gratitude, and a conviction of duty. But now, doctors, under the dignified and imposing title of the American Medical Association, require preachers to go *against* all these important considerations above mentioned; and, if they will do so, the doctors will attend on them when they are sick, “*without fee*.” In this way, they offer to *pay* them, if they will *repudiate* those principles and obligations, without which a person can have no solid comfort in sickness, or hope in death, unless it can be proved that a man can be a Christian who has so little *gratitude* for favors that he will *express none*.

In this way, the electro-galvanic battery of the *ultra medical policy* is brought to play upon the *pocket nerve* of the preacher, to enlist its operation against his character and prospects. If he will *abjure his faith*, the doctor will give him his *confidence* and his services. Those who will embrace such an offer, on such conditions, must be hale fellows well met, with those who make the infamous proposal. Here we have one of the *strong features* of what is called “HONORABLE MEDICINE”!!!

We know that *custom* is a tyrant, *self interest* an idol, and *personal safety* a great consideration; but persons are occasionally found, who act more from a *sense of justice* and *duty*, and regard for the public good, than from *custom*, *personal safety* and *self-interest* in general. The most numerous and striking example of this character, in different ages of the world, have been found in the *Christian ministry*. They ought to be able to say, with Samuel, “Of whose hand have I received any *bribe* to blind mine eyes therewith?” The expression, “He that shaketh his hands from the holding of bribes,” is given

by the prophet, as a part of the character of that man who "shall dwell on high," and whose "place of defence shall be the munitions of rocks."

Tyranny has always depended, more or less, on bribery for its support; but it was reserved to the *Ultra Medical Policy* to have the honor of holding up bribery as a legitimate principle of action applicable to the *Clergy*. Such a position would be considered disreputable in the more respectable ranks of Quackery, however it may be regarded in the new order of things. When great men put themselves in a position to be looked down upon by the people who have been in the habit of looking up to them, the circumstance is an omen of fearful import, because it seldom occurs except in the course of a revolution. Striking instances of this kind were furnished in England, in the revolution of 1688. The case of Judge Jeffreys is a good sample. When the thunderstorm of public indignation had been gathering till its accumulated vengeance could be restrained no longer, the old tyrant thought it was time to hide; for the day of retribution had come. He put on the dress of "a common sailor from Newcastle, had his eyebrows shaved away, and was black with coal dust; but there was no mistaking the savage eye and mouth of Jeffreys. He was taken before the lord mayor of the city of London; and when the great man, at whose frown, a few days before, the whole kingdom had trembled, was dragged into the justice room, begrimed with ashes, half dead with fright, and followed by a raging multitude, the agitation of the unfortunate mayor rose to such a height he fell into fits, and was carried to his bed, whence he never rose." But what was the matter with the "lord mayor"? He had been suddenly called to look down upon the man to whom the whole nation had before been looking up.

We have evidence from other sources, that a man may receive a very sudden and powerful shock by looking down, unexpectedly, upon objects to which he has been in the habit of looking up. It was thus with the man in the railroad car; when passing a deep ravine, he looked out and saw the *tree tops below him*, and fainted away, supposing the car was flying through the air. When he revived, he said, "*Captain, has she lit?*"

Great men should always be upon their guard against shocking the people in this way; for by so doing they lose respect, confidence and influence. Lofty conceptions of greatness are brought down to the ground, and "*honor is laid in the dust.*"

There is something necessary and amiable in the principle of accommodation to the wants and circumstances of the poor, without requiring of them the sacrifice of principle. No one can help admiring the agreeable and accommodating character given of the steamboat captain on Red river. When he was hailed by an old lady from the shore, he rounded to, and said, "Well, madam, what is wanting?" She answered, "I want you to take a dozen eggs to New Orleans, and fetch me back a spool of cotton." "Very well, madam," said he; "fetch them aboard." "But," said she, "there is only eleven of them ready, and I am waiting upon the old hen for the other." "Well," said the captain; "hurry her up a little, and you shall be accommodated."

Here, in all candor, we ask a question for consideration, which is this — According to the account given of the steamboat captain, would not such a man be likely to do more in promoting the exercise of the better feelings of the human heart, in making one trip, than the Code of Ethics would in five years? It not only offers an insult to clergymen, in the character of a bribe, but it tends directly to degrade them, by offering to pay them, *not* to do those acts which they have been led to do, from a *sense of justice, a feeling of gratitude, and a conviction of duty.*

We are informed, by the commentator before mentioned, that "The vices to be shunned under the code, as infamous, are:

"1st. A resort to public advertisements or private cards or handbills, inviting the attention of persons afflicted with particular diseases."

Now, when persons possess eminent qualifications, and especially in matters of such consequence as that of *curing disease, and saving life*, it is all important that the people should be well informed of such facts. When such facts exist, they are known to *some*, and they should be made known to *others*.

And in medical matters, as in others, public advertisements are found to be a very convenient method for giving information. We will here give a good sample of eminent qualifications—an operation and also an advertisement—all of which the people have a great interest in knowing, and it is evident that such information ought not to be kept from them. We refer to Dr. E. H. Dixon, of New York. Seldom has the light of the sun ever shone upon operations more brilliant than his. We shall make but few remarks upon the subject here, because we shall give it a more extended discussion in another place. We quote from notices contained in his valuable work, entitled “Woman and her Diseases:”

“OPERATIVE SURGERY.

“EDWARD H. DIXON, M. D., late Surgeon to the Deaf and Dumb Asylum and House of Refuge, and Lecturer on Operative Surgery, devotes his morning hours exclusively to that branch of his profession, and particularly to the operation for Cataracts, Strabismus or Cross Eyes, Diseases of the Lids or Tear Ducts, and Deformities of the Lips, Nose and Cheeks, at No. 5 Mercer street, New York. Within the last twenty years, Dr. D. has performed a great number of operations, with varied results, always avoiding those that are hopeless, and in such as appear of questionable propriety; in all cases stating the chances of success, with great candor, to the patient.”

“From the Catskill Democrat, Green Co., N. Y.”

“SURPRISING SURGICAL OPERATION.—We have received from Dr. Brace the following account of another extraordinary operation for hair lip, performed by Dr. Dixon, of New York, during a late visit to Catskill. This is the third time Dr. Dixon has performed this operation in this town, within the year; one of which we ourselves witnessed, upon a compositor employed in this office, and which proved highly successful.

“The patient was an infant daughter of Mr. Gardner of this town, only one week old. Its death was constantly threatened from inability to swallow, caused by the imperfect state of the jaw and upper lip. Two clefts extended quite through the lip and jaw on both sides of the nose, leaving that part where the front teeth were to grow, turned forward and up-

ward. It attached to the cartilage of the nose, so that the teeth actually would have grown from the point of the nose, leaving the cavity of the mouth distinctly visible through the openings on either side. A single stroke of the scissors removed this projection, leaving the nose perfect. Two others in rapid succession removed the rounded edges of the cleft. The bleeding was stopped by cold applications, and three single stitches approximated the whole. Plasters being added across the face and lip to make it secure, a complete union of the wound was effected on the ninth day, though the child nursed immediately after the operation."

Now, it must be evident, to any candid and disinterested mind, that information respecting such operations and such men as the operator, is a matter of great interest to the people at large; and an advertisement is the appropriate medium for giving such information. Such lights should not be hid under a bushel. But, according to the Code of Ethics, "calling the attention of persons afflicted with particular diseases," is an *infamous vice*; and publishing cures in a newspaper is another:—so that Dr. Dixon is convicted and condemned on two counts in the indictment, as an *infamous quack*, with whom "no honorable physician can consult." But, if the advocates of the code have a capacity for "*swallowing camels*," which is as extraordinary as their propensity for "straining at gnats," they should never be allowed the privilege of entering a menagerie.

The next thing mentioned in the list of "*infamous vices*" is as follows:

"2d. Offering medicine or advice to the poor gratis."

Now, if the advocates of honorable medicine never do any thing worse than this, they will realize, in a measure, the words of David, when he says, "Though ye have lien among the *po's*, yet shall ye be as the wings of the dove covered with silver, and her feathers with yellow gold."

It is right and proper, however, to try the Association by their own principles, by which they try others, in such cases. And whatever *infamy* the Association may choose to attach to the act specified, they must stand convicted, by their own code, of "offering medicine or advice to the poor gratis;" for

they have made the offer to clergymen, who are, *generally*, among "*the poor of this world.*" Even their Lord and Master had "not where to lay his head," and he said it was "enough that the disciple should be as his master, and the servant as his lord." But, in the offer of service which the Association have made to clergymen, the *iniquity* of the transaction is in the *condition* on which the offer is made, which is as much as to require them to *repudiate* those principles and obligations which they have always considered binding, and such as could not be disregarded with impunity. Should circumstances occur to clergymen, as they frequently have done, in which they have been governed by their *convictions of duty*, and *sense of obligation*, they are required to disregard these considerations, and if they will do so, the Association will attend on them "without fee."

Another matter which is denounced as infamous is,

"3rd. Promising radical cures. To boast of cures, or to publish cures in newspapers."

Now, that making a promise of good should be called an "*infamous vice*," while *breaking* promises is not mentioned, is certainly a very remarkable feature in a code of morality or ethics. Such a feature is worthy of the *ultra medical policy*, which is called "HONORABLE MEDICINE." Suppose a doctor promises to cure a patient, and *does* cure him; that which is so important and *good* a thing for the patient ought not to be a *bad* one for the doctor; but, for making this promise, he is convicted by the code of ethics as a transgressor, and condemned as a quack. Now, the whole policy of the divine government, so far as we are acquainted with it, is against *breaking* promises, but it encourages the *making*, by giving us examples, and by often representing to us the good effects of promises. This order of things is recognized and adopted, to a greater or less extent, by governments and societies generally. This order, however, seems to be reversed in the code of ethics; but we do not suppose that it was done with a view of casting any reflection on divine wisdom, as having taken the wrong view of the subject; but it naturally occurred to us as rather a curiosity, that a system of *morality* which comes down so hard upon a man for *making* a promise, even if

he fulfils it, should take no notice of the *immorality* of *breaking* promises. But when a doctor makes promises only for the sake of the fees to be had in the case, without any chance of improving the condition of his patient, it is certainly a wicked business, and we have no disposition to advocate such promises; for we go against ignorance and false pretences, either separately or combined. We believe in the principle, "Prove all things, and hold fast to that which is good."

"To boast of cures," is also forbidden, and, likewise, "to publish cures in news papers."

Those who are the instruments in bringing about important cures, have, sometimes, occasion to speak of them in an animated style, which others may find it convenient to call *boasting*. It may suit their prejudice or self-interest to do so. But, on this subject, it is certain, that there are two rules, which ought to be observed. One is this, that a man should always keep *truth* on his side. The other is, that we should not boast in any *stronger* terms than we can find examples for in the Nashville Medical Journal, in the practice of the editors themselves, or in some of the articles which they publish with approbation. We are determined to confine ourselves within these limits. As we shall have occasion, elsewhere to give some editorial examples of boasting, we will, in this place, only quote an example, from an article published in the Journal, which is as strong a preparation, in the way of boasting, as we have any use for: "A typhoid crysipelas began to spread in the neighborhood; it mosily prevailed among the women, and those in confinement; death followed in every instance. Bleeding and cathartics were relied on. The whole valley for twenty miles was a scene of mourning. I looked on, but no one dared call on me. The patients all died in the hands of 'the old experienced doctors.' The head and face swelled—fever violent for a few hours—furious delirium—subsultus tendinum, and the patient rapidly sank after the second bleeding, which was always practised. It occurred to me that what appeared to be inflammation of the brain, for which they bled, was only irritation. The patient seemed to die of exhaustion and congestion, instead of inflammation of the brain. The women, I noticed, were all at-

tacked on *getting up*, in twelve or twenty-four hours. The exhaustion I resolved to cure if I could, by attacking what I believed to be the cause; keeping the woman confined to her back, and prevent the blood from distending the vessels of the abdomen, which seemed to bring on the attack.

I was called at last to a very poor woman who could not pay; the face and head swelled rapidly, delirium ensued, and all hope vanished. Her strength began to sink fearfully, and I resorted to round doses of quinine; this, to my great joy, restored the brain; the delirium passed off, the swelling abated, and the poor creature recovered. My triumph was complete, and ended all bleeding in the valley, for these things tell rapidly in country places, even when the patient is poor." (*Nashville Med. Jour.*, 1853, 233.)

We have no disposition to boast of *cures* or *remedies*, in any stronger terms than this example. We think that any stronger preparation would have a bad odor with the more respectable class of quacks; and besides, we hope to be always governed as much by a sense of propriety, at least, as the advocates of the Code of Ethics have been. But whether we shall publish in a Medical journal, or a Newspaper, or in some other way, is our own business; but as to the propriety of our conduct in the matter, we hold ourselves amenable to a higher authority than that of the American Medical Association; and we cannot have much respect for the lawless advocate of a code, which, occasionally, seems to act upon its favorites too much after the manner in which the soldiers, at Jamestown, were acted on by the "Jimson-weed," when they ate it for "greens."

In the list of vices, given us by the Commentator of the Code, from which we have been quoting, those which are numbered 4, 5, and 6, we here introduce together:

"4th. To invite unprofessional people to witness surgical operations. To produce certificates of success and such like acts.

"5th. To hold a patent for a surgical instrument.

"6th. To give a secret nostrum, whether the composition be the prescriber's secret or the secret of another."

As to holding a patent for a surgical instrument, being re-

probated as an *infamous vice*, it is only another of the freaks of the ultra policy. An excellent instrument has sometimes given us, as it has *others*, feelings of pleasure and gratitude, and none the less because it was patented.

If it is right for our Government to issue patents to her citizens, it is right for them to hold patents; and if it is not right, in either case, the American Medical Association are not exactly authorized to arraign for trial, the American Government, and her citizens, and sit in judgment on their case, and decide it to be an *infamous business*, because it has an unpleasant effect upon the *pocket nerve*. If we are mistaken in this matter, and their authority is as much *greater* than that of the American Government, as the whole work which they have undertaken might seem to imply, we would like to see them try their authority on volcanoes, in those parts of the world where they are so destructive; and see

If "burning Etna," when their word "requires,"
Don't cease "to thunder and recall her fires!"
"When a loose mountain trembles from on high,"
Let "gravitation cease" till they "go by."

As a specimen of the good feeling which Medical Colleges, and distinguished medical men, have frequently expressed in relation to patent instruments, we will here introduce, from the Medical College of Ohio, a notice of Dr. R. Thompson's Uterine Truss:

"At a meeting of the Faculty it was

"*Resolved*, That the thanks of the Faculty of the Medical College of Ohio be tendered to Dr. R. Thompson for the presentation of his Pelvic apparatus for the cure of Prolapsus Uteri.

"*Resolved*, That we will make such application of the same as will give us a full knowledge of its efficacy, and that we will express our views upon the subject whenever a proper occasion may occur.

"*Resolved*, That Dr. Thompson be requested to visit the Hospital connected with the M. C. O. and apply his apparatus for the cure of those diseases in which he may deem it applicable.

"*Resolved*, That the apparatus be placed in the cabinet of this institution.

“*Resolved*, That a copy of the foregoing resolutions be transmitted to Dr. Thompson.

JOHN LOCKE, M. D.

Dean of the Faculty.”

In compliance of the resolution, Dr. T. visited the Hospital and applied the common variety of Uterine Truss to a patient who had been an inmate of the institution for *ten months*. The result will be seen by the following extract of a letter from Prof. Wright to Dr. Thompson: “The patient to whom you applied the instrument, left the Hospital, in less than two weeks, cured.”

Prof. Eberle said, “I can confidently declare that it is unquestionably the most perfect and useful instrument of the kind ever offered to the public. The Doctor has conferred a great benefit on society by the invention of this Truss.”

In passing from the notice of surgical instruments, to the denunciation of secret remedies, we are forcibly impressed with the idea, that it is not strange that many persons are struck with surprise at the outcry against secret medicines which is made by the regular Faculty, when it is considered, how common the practice has been to publish their works in a learned and mysterious style, so difficult to be understood, that information has been kept from the people, as if it were a special object to fill them with wonder and admiration of the wisdom and learning which were so far above their reach.— This mysterious and learned style which has been so common in medical writings, has been adverted to, by some members of the fraternity, as evidence of the willingness of medical men to keep information from the people; and in the same line of evidence is also alleged, the labels upon jars and packages of medicine to be seen in Doctor-shops, and used at other times, which are so hard to be understood that the people are but little better acquainted with them now than they were twenty years ago. All we have to say about the matter, at this time, is, that an outcry against secrecy, from this source, comes with a *bad grace*. But we suppose that the Faculty have always been opposed to having a medicine kept a secret from *themselves*. It is natural that they should feel an interest in knowing the composition of a valuable medicine, and there are

many secrets in relation to other matters, which we have no doubt they would be glad to know, but which others have a right to keep to themselves, if they choose. Information is a species of property, which, in some cases, is as valuable as almost any species of property, and one reason why it should be so considered is, that it is sometimes not a little expensive. But it is expected of all good citizens that they will freely part with a portion of their property for the relief of the poor and for the purposes of public utility in general, but it is not lawful to require them to part with all of it for the good of others, or to curse them, slander them, or libel them if they think proper to keep a part of their property for their own benefit and that of their families. The rule of the Gospel, which requires a man to love his neighbor as himself, allows him to love himself as well as his neighbor! And the Gospel declares that "if any provide not for his own, and specially for those of his own house, he hath denied the faith, and is worse than an infidel." We do not even suspect the advocates of the Code of Ethics of outrunning the liberal principles of the Gospel in *practice*, and if in theory, only in its application to others, like Medicus, when he says, "It is the moral and religious duty of every man to do all the good he can to the bodies and souls of men; and it follows, as a matter of course, that he who by observation, research, or even by purchase, obtains such information as would be beneficial to his fellow-men, if known, is in duty bound, as a gentleman, to make that information public, that thereby the greatest amount of good may be done to the largest number of men." Now, "the greatest amount of good, to the largest number of men," is certainly a great and worthy object, which is too much neglected. An object so noble, ought to be attended to, and promoted; and this is one reason why Medicus ought to go against the American Medical Association, and their Code of Ethics, instead of advocating their cause; for the Code of Ethics requires that the common and important channels of information should be obstructed and blockaded in such a manner that the people shall not enjoy the usual means of information on the subject of medicine and medical men. Those who do not belong to the profes-

sion must not be present to witness surgical operations, and success must not be published. It is represented as infamous to publish such success, or to invite people to witness such operations. The Association forbid information to be given to the people through the common and established channels of information. This is done in numerous and different forms of expression, like the different counts in an indictment, each specifying a vice which is declared to be infamous, for which a man is denounced as a quack with whom no honorable physician can consult. In proof of this, notice the following acts which are specified and denounced as infamous vices:

To publish cases and operations in the daily prints. To publish cures in newspapers. To invite unprofessional people to witness surgical operations. To produce certificates of success. To boast of cures or remedies. To resort to public advertisements, or private cards, or handbills, inviting the attention of persons afflicted with particular diseases. To give a certificate attesting the efficacy of patent or secret medicines. Now it is strange that such measures, to put a check upon the common means of information should be adopted by men who profess such a holy disdain for secrecy in medicine, and who treat it in such an imposing style of denunciation. To blockade the common and established channels of information, on matters of importance, and keep the people in ignorance, is an operation to which we are decidedly opposed. But Medicus, and others, may think it the very measure by which "the greatest amount of good may be done to the largest number of men."

As to giving away information, or any other property, let the rich give of their abundance, and others according to their ability; but we see no good sense in denying to men their reserved rights, with which they have been invested by the laws of nature and of our country, and which are fostered by our national policy. At this day, and under our Republican government, we know of no good reason why a man should be compelled to give "*all* his goods to feed the poor, and his body to be burned," even if it has been done in the days of persecution. For our own part, although we are poor, and always expect to be, we have good reason to believe that

our practice has been as *liberal* as that of Medicus. We have never been in the habit of charging a patient for a single prescription, without any medicine. We do not know that we have done it a dozen times in our life, or even half that number; but we doubt, very much, whether this small kind of liberality is exercised by all the advocates of the Code of Ethics. We have heard of benevolence so general that it did not accommodate itself to any particular cases, because it was too small a business.

As a matter of national policy, if, instead of our common copy-right law, which secures to authors and publishers the benefit of their labors, our government had proposed, as a prize, the *privilege of working for nothing, and finding themselves*, it is impossible to tell what great results might have been produced by such a mental stimulus. We know that labor at this rate is liable to one objection, and that is, that it does not always make support for a man and his family. Some *really exercise* a charity which meets individual necessity with relief, but others profess a benevolence which embraces such a large multitude, that it too often overlooks the individuals of which the multitude is composed.

Where a Doctor generally charges for information, which he deals out in prescription, it will be difficult to make us believe that he is sincere in professing to go for "the greatest amount of good to the largest number" and "to do all he can for the souls and bodies of men," because he could do *more* by not charging at all; and when he adopts this plan of reducing his professions to practice, it will be time enough to lecture those who, generally, prescribe without charge, even if they believe in the reserved right of making some prescriptions profitable, while the method of doing so gives the greater portion of the profits to the community at large. The people have realized a hundred fold greater benefits from Dr. Mc-Lane's vermifuge than the *proprietor* has ever done, or ever will. Health and life are of great value, and suffering is sometimes speedily relieved, and health restored, and life preserved, by the timely administration of a proper remedy, and if we know *how* to give it, and *when* to give it, it is of less consequence whether we know what it is made of, for the *effect* is

what we are after ; and that does not depend on our knowing its composition. The worms do not escape by our *ignorance* of the remedy which *kills* them, if it is properly given.

A single member of the body, though a small one, may be a matter of consequence, and the owner may value it highly, though others may not be anxious for its preservation. The use of the fore-finger, which helps the thumb to hold the pen, while we are writing, points us to our obligations for a remedy which restored the finger to health and soundness when we were anxious for its safety. It was rapidly enlarging from the effects of an injury, but entire relief was afforded by a few applications of Dr. Goodlett's Liniment, and after using it in a variety of cases, and particularly in scrofulous affections, until we have used a dozen or fifteen bottles, we are certain that it is of more use to us than any other liniment with which we are acquainted, of our own make, or any body's else. And when such an acknowledgment as this is but a tribute of justice, and of gratitude, we would *scorn* in our *self*, that meanness of spirit, which would not allow us to make it, though others might commend it as an honorable trait of character. The liberty of expressing our sentiments, and feelings, by the use of the tongue, and pen, while we keep the peace, and keep the truth on our side, is one of the privileges which we enjoy as a freeman. But he, whose feelings and actions are limited to a circle *prescribed by others*, is not a *freeman*, but a *slave*. It may be the shackles of a party which are upon him, but still he is in bondage.

When Dr. Rush had occasion to speak of "THE TYRANNY OF THE SCHOOLS OF PHYSIC," there was nothing in the circumstances of the times, which could compare to that *tyranny*, and *apeing at despotism*, which is to be found in the course of that medical faction, which claims for itself the distinctive appellation of HONORABLE MEDICINE ; but which, in fact, is entitled, justly, to no small portion of the honor of those, who "*glory in their own shame*." That such a policy should be called *American*, is enough to make a Republican blush for the *honor* of his country, and fear for her *safety*.

The wants of the people demand, and they will have the services of those who go for a REPUBLICAN, RATIONAL COURSE OF

MEDICINE, which is based upon the ESTABLISHED LAWS OF EVIDENCE, and depends on MERIT for its support. We have just as little use for *despotism* as we have for *ignorance*, or false pretences.

“ If ignorance were bliss,
 ’Twere folly to be wise.”
 If despotism rules,
 We’ve little use for eyes.

Our opinion of the Code is like that which a friend of ours expressed of a ham of meat which he purchased. He said it was very fine, all but some *spots*, which seemed to be alive, although the meat had been killed seven or eight months.— So the Code contains a great deal of good matter, but there are *spots*, which are just about on a par with that portion of the meat which had creepers in it. Currency is sometimes given to error, by mixing it with a large portion of truth.— This plan was successfully adopted by Mr. Hume, when he wrote his history of England. He, perhaps, did more to promote the cause of infidelity, by sowing the seeds in that history, than he would have done by writing a work expressly on the subject of infidelity; because people would have been notified, by the subject, to be on their guard against the poison.

It is evident, that the Code of Ethics was intended for *no ordinary course of discipline*, but to accomplish *special objects* by *unusual punishments*. Prof. Bowling, who is an advocate of the Code, acknowledges that, “it is to the profession of medicine what a hell is to the ignorant, an instrument of punishment for those we dislike,—

————— a hangman’s whip,
 To haul the wretch in order.”

The penalty annexed to a violation of the Code, and which is executed upon offenders, is to hold up their characters in such a light as does not leave them a dime’s worth of reputation, and to denounce them as infamous. This unusual punishment is adopted to enforce obedience. But one of the prohibitions of the Constitution of the United States is, that “*unusual punishments* shall not be inflicted,” even by the supreme authority of the Commonwealth. Yet the punishment

inflicted, in some instances, by authority of the Code of Ethics, is as *unusual* as the *severity* of the penalty, when compared with the *smallness* of the offence.

2. The punishment is *unusual*, because it is *illegal*. It is contrary to the law against *slander* and *libel*.

3. The punishment is *unusual*, on account of *what it is for*; because it is for exercising the same liberty which others claim for themselves; that is, the liberty of deciding for themselves what is right and proper, within that scope which is allowed by the laws of the land.

4. The punishment is *unusual*, as it is the penalty of an unauthorized act of legislation.

5. It is *unusual*, as it is inflicted on the *innocent*; for where there is "*no law*," by proper authority, "there is no transgression" And some of the acts specified are called offences, only because it is the good pleasure of the American Medical Association to call them so.

The Association not only claim an *unauthorized jurisdiction*, but one which is denied, by the Constitution, to the supreme power of the nation.

"The preservation of one's good name is a *part* of the right of *personal security*;" and this right is one of the *absolute* rights of individuals. The people of this country "have frequently declared these rights to be natural, inherent, and unalienable. Most of the Colonial Legislatures had, by declaration of rights, solemnly recorded and defined these and other of their privileges, or found them already granted and secured by the Royal Charters. The Colonies joined in a general assertion of their rights. The first Continental Congress, in October, 1774, in the memorable Declaration of Rights, solemnly promulgated the great and fundamental principles of American Liberty. After the Colonies had become independent States, upon the formation of the several State Constitutions, it was, in most instances, thought proper to declare in the shape of abstract propositions and elementary maxims, the most essential articles appertaining to civil liberty and the natural rights of mankind. There was a precedent for these declaratory bills of right in the Colonial annals of the country, and also in the history of the English nation."

The right of personal security is guaranteed by special provisions in the laws of the Commonwealth; and as the preservation of one's good name is part of the right of personal security, the law makes private reputation one of the objects of its protection. It makes special provision against *slander*, and *libel*, to protect the right of personal security, because they tend directly to the injury of the individual. But *libel* is considered a *public* as well as a *private* injury, and "the party is not only liable to a private suit to the person libelled, but answerable to the State by indictment, as guilty of an offence tending to a *breach of the public peace*." In relation to these offences, other "distinctions proceed from the difference between the degrees of malignity, and the extent of the injury with respect to slander, written or spoken; the former being more deliberate, more capable of extensive circulation, and more permanent in its injurious consequences, than the latter." But what is slander? "If a man maliciously and falsely utter any false tale of another, which may injure or hurt his trade or livelihood, as to call a tradesman a bankrupt, a physician a quack, or a lawyer a knave," it is slander. Judge Blackstone says, "It is said, that formerly no actions were brought for words, unless the slander was such as (if true) would endanger the life of the object of it. But too great encouragement being given by this lenity to false and malicious slanders, it is now held that for scandalous words, of the several species before mentioned, an action on the case may be had, without proving any particular damage to have happened, but merely upon the probability that it might happen."

But what is libel? Says Judge Blackstone, "A second way of affecting a man's reputation is by printed or written libels, pictures, signs, and the like; which set him in an odious or ridiculous light, and thereby diminish his reputation. With regard to libels in general, there are, as in many other cases, two remedies: one by indictment, and the other by action.—The former for the public offence; for every libel has a tendency to a breach of the peace, by provoking the party libelled to break it; which offence is the same (in point of law) whether the matter contained be true or false; and, therefore,

the defendant, on an indictment for publishing a libel, is not allowed to allege the truth of it by way of justification."

"To render words actionable, they must be uttered without legal occasion." As to the malice, the law is, that "malice is to be presumed, until the contrary be proved."

Let it be borne in mind then, that to call a tradesman a bankrupt, a *physician* a *quack*, or a lawyer a knave, is *slander*; and if written or printed, it is *libel*, if it is done with malice; and the law decides, that "the fact of the publication of a libelous statement is *prima facie* evidence of malice." When the language is ambiguous, the law is this: "Ambiguous words are not to be understood in their *milder sense*; for if so, as Lord Mansfield said, a man might *defame* in *one sense*, and *defend* in another."

"Slanderous words are to be understood in their obvious sense."

"Words are to be taken in the sense in which those who heard them most usually understand."

But the advocates of the Code of Ethics use the subterfuge of ambiguity of language, by applying it in a sense in which it is obliged to be *ambiguous* to the people, generally. They have almost as little regard for established authority, on the meaning and use of language, in some important cases, as they have for the genius of our government, her policy, and her laws. An advocate of the Code, in the *Christian Advocate* of November 10, 1853, who signs his name *Medicus*, in speaking of the word quackery, says: "In the use of this word we do not regard its technical or its etymological signification; but we use it in the sense commonly attached to it by medical men at the present time. Formerly it designated an ignorant pretender, but now, it has a more extended meaning," * *. In another place, in the same article, he tells us that, "the term quack still includes all ignorant pretenders—" * *. In another article, in the same paper of November 17, 1853, he says: "We use the word quackery, not 'spitefully,' but as it is used by the American Medical Association, in its Code of Ethics. This is our text book until its authority is set aside." He takes the ground that the declarations of the Code are founded in justice and right, and con-

tends that, "An accomplished chemist, who is a scholar and a gentleman, ought to be called a quack, if he does not obey the Code;" as if *disobedience* or *rebellion*, had anything to do with the legitimate or proper meaning of the word quack.—It seems as if he would have us believe that we ought to obey the orders of a self-constituted authority, even when they act in direct opposition to the government, and laws of the country! The people are severely reproached by him, and other advocates of the Code, because they do not join with them in opposition to their government, and laws, and to those great principles on which the very existence of society, and all its institutions, depend! When Medicus takes and advocates the position, that a well-educated and skillful physician, who is an accomplished chemist, a scholar, and a gentleman, ought to be called a quack, for disobedience to the Code, he considers it disgraceful to any one not to join with him and support him in this position, though the law is, that it is *slander* to call a physician a quack, and if *printed*, or *written*, it is *libel*, if done with malice; and the fact of the publication of a libelous statement is *prima facie* evidence of malice. But he is so much more devoted to the Code of Ethics than to republican principles, or the laws of the country, he is willing to engage in the work of defamation, in the shape of slander and libel, to defend and advocate the Code; and, like an advocate of the Inquisition, he contends that it is all *just* and *right*.—Indeed, by precept, and example, he advocates insubordination to the laws of his country, by engaging in the work of defamation, and teaching it as an important branch of family instruction, suitable for a religious newspaper; and gets permission, by courtesy, through the medium of the paper, to give this instruction in ten thousand families, in which the paper circulates. And he seems to think that it is passing strange, that any one should hesitate to join him, in this campaign against the peace and prosperity of the nation.

But in the case mentioned by Medicus, and brought under discussion, which is that of Dr. Ayer, it seems so difficult to find any fault in him, according to the laws of his country, that his case reminds us of the case of Daniel, in the reign of Darius. He was obedient to all proper commands. His

enemies had to manufacture a crime in order to get an opportunity to convict him. A new law had to be passed, making that a *crime* which was well known to be *right* and *proper*.—the policy adopted was an infamous one in that case, and so it is in this.

On the part of Medicus and others, the *slander*, the *libel*, the *teaching of the same* by precept and example, contrary to law, and their deciding that to be a *crime* which the law *justifies*, is not all which this case calls up, and requires notice here.—There is a disregard of established authority on the *meaning of language*, which if allowed, and indulged in, would be highly injurious to the great interests of education.

By the common consent and agreement of the literary world, the authors of our different dictionaries, such as Johnson, and Walker, Webster, and Worcester, with others in use, constitute the proper tribunal to decide on the meaning of language. This tribunal has the confidence of the American people. They have constant reference to its authority, when they wish to make themselves understood, or to understand others. This has been the case from their *earliest knowledge* of language. And when the meaning of an important word has been so *long* established, and so *generally* understood in its proper sense, great *confusion* and uncertainty, as a natural consequence, would be introduced, by extending the signification of such a word, so as to give it meanings entirely at *variance* with its common acceptation.

The meaning of the word quack, which, as Medicus says, still includes all ignorant pretenders, has very little to do with that disobedience to the Code of Ethics, which may be charged to some men, who would sooner suffer martyrdom in the cause of rational *liberty* and *independence*, than subscribe to the Code. Besides, there is no necessity for such an *extension* of the meaning of the word, by the American Medical Association, or by others; for the practice of coining new words for special use is common, and in some instances important, and proper; and why not answer all ordinary purposes in the present case? We are well aware, however, that a new word might fail to give that rich satisfaction, which some men feel, in giving vent to their smothered spleen and ven-

geance, by applying a term of reproach and infamy to others more eminent and worthy than themselves. But a man had better stretch his mouth upon a fence corner, and hang it out to dry, than to use it as some do. One of the advocates of the Code is so determined to have the word quack disconnected from its former associations, so as to be more at liberty to be applied as a term of reproach to men of eminence, that he goes so far as to say "*It no longer means the ignorant pretender.*" So says Dr. Bowling; and he says, "The meaning of the word quack, has been modernized from necessity."—It seems the word disobedience, or rebellion, would not do, and rather than coin a new word, he chose to modernize an old one, by giving it meanings *entirely at variance* with the legitimate and appropriate meaning, according to the standard authorities. He is determined to make the people submit to all the inconvenience of the confusion and misunderstanding, thus to be introduced into language, for the express purpose of accommodating a medical faction, in one of its freaks of spleen and prejudice, and reckless disregard of the public good.

Webster's largest dictionary is large enough to give room to define words, and here are all the definitions he gives to the word *quack*:

"Quack. A boaster; one who pretends to skill or knowledge he does not possess.

2. A boastful pretender to medical skill which he does not possess; an empyric; an ignorant pretender."

Medicus says, "it still includes all ignorant pretenders."—But here we have one of the interesting *issues*, which the ultra medical policy, occasionally makes with *itself* as well as with the *truth*, when Dr. Bowling says, "*It no longer means an ignorant pretender.*" Of course, as they have stript the ignorant pretender of his old clothes, for the benefit of others, we suppose he must have a new suit, or go naked. Some new word must be coined to suit his case, and coining new words is attended with much less inconvenience than so much modernizing. But we have no idea that the *old clothes* can be made to suit the well-educated physician, who is an accomplished chemist, a scholar, and a gentleman.

As we have already observed, by the common consent and

agreement of the literary world, the authors of our different dictionaries and lexicons in use, constitute the proper tribunal to decide upon the meaning of language. It is one to which our courts of law and equity have constant reference, in all their adjudications. The *scope* which they have given to language constitutes an *area*, which is found amply sufficient for all the operation of the American Government, in its *legislative, judiciary, and executive* departments; an *ample arena for Congressional debate*; and giving sufficient scope for the *civil polity of the nation*, to execute its varied and appropriate functions; and it certainly *ought* to be sufficient for *medicall associations*, or any *other* associations, whose intentions are legitimate, honest, and useful.

One great object of the American Government, as we have before observed, and of the patriots who exerted themselves for its organization and establishment, has always been, to *fortify, to protect, and defend* the *absolute rights* of man, among which is that of *personal security*, which embraces the preservation of one's good name, and which gave rise to the provisions of the law against *slander, and libel*.

But the position taken by some of the advocates of the Code of Ethics is, that the fortifications erected around our absolute rights, shall be *forced*, and that a man shall *not* be protected and defended for the preservation of his good name which he may acquire by a faithful observance of the laws of his God, and his country, unless he *obeys the Code of Ethics*; for if he fails to do this, though, in other respects, he may be without fault, they claim the *right*, not only to brand him with quackery, but to denounce him as *infamous*, and unfit for companionship in a *liberal profession*! And is it a liberal profession? Liberal indeed! Liberal as despotism! Liberal as tyranny!

Small bodies may be guilty of tyranny, and so may *large* ones. *Great* men may be tyrants, and so may *small* ones.
And

'Tis natural for tyrants to breathe such a breath,
As the gas from the *grotto* where dogs meet their death;
And *freemen*, who serve them, are sure to be found,
Like those near the *upas*, where death strews the ground.

Those who believe in the infallibility of the American Medical Association, as some do in the infallibility of the Pope, would be more excusable for advocating a position so entirely at variance with the *genius* and *policy* of our government, as that just mentioned; but it is advocated by one who *sees* the action of the Association, at times, to be such, that he calls it "the MISERABLE OLD FOGYISM of the American Medical Association," which is one hundred years behind "the Medical Department of the University of Nashville," which, though "a school of yesterday, puts to blush the representative wisdom of all the schools in America, in grand association assembled."

But we will give his views, in his own language. He says :
 "The Medical Department of the University of Nashville is one hundred years in advance of the miserable old fogyism of the American Medical Association. It was foolishly argued in the Association that, even were Colleges to adopt the recommendation of a revocation of diplomas when their possessors grossly violate the National Code of Ethics, that it would be found impracticable in practice. Now two years before this recommendation to the Association, its every feature was foreshadowed by a LAW of the Medical Department of this University, and its violation is now about being punished by this identical *impracticable* revocation ! Shame, that a school of yesterday should put to the blush the representative wisdom of all the Medical Schools in America, in grand association assembled, with a supper to the tune of eight thousand dollars in abeyance, and present soul-cheering puffs of the city press, engaged the day before and day after in puffing every pathy, ism, pill, and potation east of sun-down."

[*Nash. Med. Jour.*, 1853, p. 305.]

He adds, "if we were not the most bashfully modest gentleman upon the face of the globe, we would suggest that a few leading spirits of the Association be deputed as '*out-growths*' in the back-woods here, a few months before the next annual meeting, to have demonstrated, to their entire satisfaction, that some things can be done as well as others. Or probably the *peripatetic stethoscope* of New England might be sufficiently ambitious of such an enlargement of his circuit of

operations as to induce him to take in a small slip of *ingin* territory out this way.”—(*Ib.*, p. 306.)

Now, if things are “*foolishly argued*” in the Association, it is not strange that they are sometimes foolishly *decided on*, and *adopted*; and we have no reason to doubt that such is the *fact*, from the sample which they have given us in the Code of Ethics.

We are aware that we might not agree with Prof. Bowling in referring to the *same acts*, for proof of the folly of the Association. They seem to have no particular objections to the “*soul-cheering puffs of the city press*,” in their own case, however unfavorable to them in the case of others; but they had better see to it, that Dr. Bowling does not have them *all* expelled from the Association.

On the subject of *bragging*, the example of the Doctor is so very forcible, that we would not even suspect him of giving precepts against it. He does the work up so *brown*, that it almost amounts to black-balling.

It is common for professional men to claim the respect and confidence of the people; and such claims can have no better foundation than *merit*, which will be more readily awarded if they comply with common and reasonable expectation. It is expected of *great* men as well as *small*, that they will respect the *government*, *religion*, and *laws* of the people, among whom they live, and if they fail to do these things, they forfeit their claims to respect and confidence. It is not only *expected*, but *required*, that they should treat the different classes of society with common decency, respect, and decorum.

When any men, or body of men, acquire such an enormous size that they cannot accommodate themselves to the genius of our government, and the requirements of her civil code, they ought to be turned down a little in the class, and let others come up, and see if they can spell the word *republican*.—If they can, we go for them in preference. We have seen and heard enough of *tyranny*, and *despotism*, not to be over anxious to extend our acquaintance with these ancient characters. Such are the feelings of republicans, generally. And those who will not regard such considerations, but are determined on their course, regardless of the rights of others, need

not be surprised if they find a very strong disposition to call them to an account, without much regard to the personal consequence which they may be disposed to attach to themselves. Many have been misled by the Code of Ethics, and the party feelings and questions which it has occasioned.

One great question which has been sprung, and brought up for discussion, by the New Medical policy, is this :—How Doctors, Druggists, Apothecaries, Merchants, and others can be *controlled* ? And the conclusion seems to be, that they can be controlled by taking violent hold upon their reputation, because some men hold their good name dearer than their *property* and their *lives*. To control these different classes of society in this manner is regarded as a great work, in which great men have enlisted with great devotion, and they take hold with a strong hand. They seem to think it a great discovery, like the man who was not much of a hunter, and when he met with an old bear he was anxious to make her follow him home ; and all at once he found that he could make her follow him fast enough by taking up one of her *cubs* and starting. Something after this fashion, a *strong hold* is taken upon *character*, to control the person to whom it belongs. This seems to be the plan adopted : to control a man, by taking control of his reputation, and handling it without regard to his *merits*, as it respects *weightier* matters, whatever favors may be shown on account of his *observance of ceremonies*. And a strong hold is certainly taken, when a man is represented as having no feelings to govern, or influence him, but the interest which he feels in the *profits* of his business—as one in whose word *no dependence* can be placed, and who deserves no confidence, because he would recommend a *bad* article more strongly than a *good* one, if he made more by doing it. We say, to give such a representation of a man's character, in order to *punish* him, because he would not do as we wished him to, in a matter in which we had no right to control him, would be a great and “*unusual punishment*,” in the eye of the law, which forbids such punishments.

An example of this new policy is given us by an eminent Medical Professor. He tells us that, “the Apothecary, Druggist, or more particularly the Vender of Patented Nostrums.

does all he can to promote the sale of Physic." And he says. "Their interest is fully expressed by the advice of Meg Merriless to Domine Sampson, when hesitating to take her devil's broth, she exclaimed, "*gape, sinner, and swallow.*" This remark exhibits, in a most unfavorable light, some important classes of our citizens, who are respectable for their numbers, and integrity of character. It embraces in its scope nearly all our country merchants, for they are in the habit of selling domestic remedies, for the accommodation of their customers. Even paregoric would be a secret remedy to the most of them, for it is probable that not one out of twenty have had occasion to make themselves acquainted with the formula by which it is prepared. But the demands of the people make it necessary that the Apothecary, the Druggist, and Country Merchant should keep a variety of such remedies, and thus it will be, while the people have the liberty of calling for what they want. But is it possible, that the Druggist, the Apothecary, and others, who sell patent nostrums, have no regard to the *good* or *bad* effects of what they furnish others to *swallow*? Perhaps this information on the subject, which has been given by the Professor, may be news to these different classes of people, as it was to us; for we had always supposed, that, like other classes of society, they had some fellow-feeling, which led them to feel an interest in relieving pain and suffering, besides their interests in the profits on the article sold; and we did not know that they were more under the control of *self-interest* than other classes of society. And, with these views on the subject, it is natural for us to enquire, *where is the EVIDENCE that they do not possess a common share of HONESTY, INTEGRITY, and GOOD FEELING?* If their interest in a medicine is exactly gauged by the amount of the profits realized, so that they would give the strongest recommendation to the article on which they made the most, without any regard to the benefits which result from the use of it, then *self-interest* is the only interest which they feel in the matter, and their advice is not to be depended on, only as expressing their pecuniary interest.

But if *their* interest vitiates *their* testimony, so as to make it good for nothing, it ought to be considered that, in the majori-

ty of applications made to them, their interest is three or four times smaller than that of the *physician*, in such cases, and, consequently, if *their interest vitiates their testimony*, so as to make it good for nothing, then the *greater* interest of the *Doctors*, must sink their testimony a number of degrees *below* nothing. But in relation to the Doctors, or the Druggists, the Apothecaries, or the Merchants, the opinion that their interest is "*fully expressed*" by the advice, "gape, sinner, and swallow," is, to say the least of it, too illiberal to meet our present views. It did not meet the views of the Medical student, whose father is a merchant, and considered an excellent man by all his acquaintance. His son remarked, "according to Dr. Eve's account, my father would kill a man for a few dimes. He has not left my father a dime's worth of reputation."

We would not have our enemy be in the condition expressed by the poet, when he says,

"Of fortune and of fame forlorn."

Without a dime's worth of character, for his own comfort, or that of his children who come after him, a man must be a forlorn being in the midst of society.

To do the work of defamation, it is not always necessary to call an individual by name; for persons can be slandered, and libelled, in *classes*, as well as *separately*. The Professor takes the ground, that they shall not have any reputation unless they allow him to say what articles they *may* sell, and what they *shall not*. His spleen, prejudice, and vexation are aroused by their disobedience to orders, and he is determined to punish them. If any one can view the matter in a more favorable light, let him do so; we have no objections. But such a method of procedure, (according to the light in which we view it,) to control men, is so abhorrent to every *noble*, *honorable*, and *manly* feeling of the human heart, that any law which did not contain provisions against such an outrage could not long be respected by freeman, or even by savages. Even the *Indian*, the red man of the forest, rather than submit to such indignity and degradation, would risk the fiery ordeal, or challenge to mortal combat, in the fatal duel. To be stripped of reputation is so repugnant to the feelings of con-

scious innocence, that one *cannot*, and *will not* submit to the libel. It "fires the heart and nerves the arm" for conflict, "at all hazards, and to the last extremity." When compared with slander of so deep a dye, the rush of battle and the shock of arms are only amusement to the warrior. In such a comparison the roar of artillery would be music to the ear; and the idea that if he fell, it would be in an effort to purge his honor, and that the "rushing waters would sing his requiem," would cheer his spirit like an angel's song.

It is easy to be seen, by almost any one, that for a Doctor to assume such authority and jurisdiction over Apothecaries, Druggists, Merchants, and others, and to denounce them, as Dr. Eve has done, is not treating them with common propriety, decency, and decorum; and we do not wonder at the strong expressions of indignation which we have heard upon the subject. The wound given them was not from an accidental "twang of a party bow-string," but from a settled purpose, and deliberate aim of the archer, like that of Astor, when he shot the arrow inscribed, "To the right eye of Philip." And we have taken more notice of this matter than we should have done, because it is one of the strong features of that ULTRA-MEDICAL POLICY which is so much at variance with that instituted by the LAW-GIVER OF THE UNIVERSE, which says, "Thou shalt not bear false witness against thy neighbor," and which declares that, "He who privily slanders his neighbor shall be cut off." *This policy* consults the peace and prosperity of society, and the good of all. The authority here concerned, is even higher than that of the American Medical Association. But this authority has very little weight with some. We occasionally see persons who have as little ceremony about "bearing false witness against their neighbor" as if it were an honor to them, and they handle him as roughly, as if it were their special privilege to kick him as much as they please, without regard to law or gospel.

"*O tempora! O mores!*" We live in a dissolute and licentious age. Wickedness reigns in high places, and great examples have great influence. "Evil communications corrupt good manners." But this is the road to national ruin. It has been tried by different nations and proved to be such. Says

Judge Story: "Every other republic has fallen by the discord and treachery of its own citizens. Let us never forget that we must prove ourselves wiser, better, and purer than any other nation ever has yet been, if we would count upon success. It has been said by one of our own departed statesmen, himself a devout admirer of popular government, that power is perpetually stealing from the many to the few."

The Ancient of days says, "Who is a wise man and endowed with knowledge among you, let him show out of a good conversation his works with meekness of wisdom. But if ye have bitter envying and strife in your hearts, glory not and lie not against the truth. This wisdom descendeth not from above, but is earthly, sensual, devilish. For where envying and strife is, there is confusion and every evil work. But the wisdom that is from above is first pure, then peaceable, gentle, and easy to be entreated, full of mercy and good fruits, without partiality, and without hypocrisy. And the fruit of righteousness is sown in peace of them that make peace."

The friendship of man cannot always avail us. We need the friendship of HIM *who holds the destinies of the universe*. His favor is *life*, but his *frown* is death! To HIS WORD, "we do well that we take heed, as unto a light that shineth in a dark place, until the day dawn, and the day star arise in our hearts."

